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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re JOSIAH M., et al., Persons Coming Under
the Juvenile Court Law.

KERN COUNTY DEPARTMENT OF HUMAN
SERVICES,

Plaintiff and Respondent,

v.

THOMAS M.,

Defendant and Appellant.

F070550

(Super. Ct. Nos. JD133153-00,
JD133154-00)

OPINION

THE COURT*

APPEAL from orders of the Superior Court of Kern County. William D. Palmer,
Judge.

Gino de Solenni, under appointment by the Court of Appeal, for Defendant and
Appellant.

Theresa A. Goldner, County Counsel, and Thomas G. Morgan, Deputy County
Counsel, for Plaintiff and Respondent.

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* Before Gomes, Acting P. J., Kane, J. and Franson, J.

Thomas M. (father) appeals from the juvenile court's order removing his then two-year-old son, Josiah M., and one-year-old daughter, S.M. (collectively the children) from his legal and physical custody, and ordering reunification services.¹ Father contends (1) the order temporarily removing the children from his custody was not supported by evidence that removal was necessary to avoid a substantial danger to their physical health or emotional well-being (Welf. & Inst. Code, § 361, subd. (c)(1)),² (2) the juvenile court failed to consider less drastic measures than removal from parental custody, and (3) there was insufficient evidence to support a case plan component that required father to attend a class for physical abuse as a perpetrator. We disagree with father's contentions and affirm.

FACTUAL AND PROCEDURAL HISTORIES

The family came to the attention of the Kern County Department of Human Services (Department) on August 8, 2014,³ when the children's one-year-old cousin, Trevor J., sustained third degree burns to his lower extremities and feet, and second degree burns to his genitalia, while in mother's and father's care. The burns covered approximately 35 percent of Trevor's body and required surgery. Mother and father were arrested on charges of child abuse, while the children were taken into protective custody.

Dependency petitions were filed alleging the children came within the provisions of section 300, subdivisions (a) and (g). Under subdivision (a), the petition alleged the children were at risk of suffering physical harm or injury inflicted non-accidentally by mother and father based on the burns Trevor suffered, which allegedly occurred when mother and father attempted to bathe Trevor after he defecated on the bed, floor and his

¹ The children's mother, L.W. (mother), from whose custody the children were also removed, did not appeal the juvenile court's order and is not a party to this appeal.

² Undesignated statutory references are to the Welfare and Institutions Code.

³ Subsequent references to dates are to dates in 2014.

body, and for which mother and father had no reasonable explanation. Under subdivision (g), the petition alleged the children had been left without any provision for support, as their parents were incarcerated and unable to arrange for their care.

The children were detained on August 13 and placed together in a foster home; a contested jurisdictional hearing was set. In reports prepared for the jurisdictional hearing, the social worker related the investigation into Trevor's injuries.

On August 8, police officers were dispatched to the family's apartment, where fire department emergency personnel were present. Trevor had sustained traumatic burns to both legs and buttocks. His legs were bright red and his dark flesh was peeling from his body. Despite his injuries, Trevor remained nearly silent. Trevor was transported to a local hospital by ambulance. At the hospital, the treating physician described Trevor's injuries as third degree full thickness burns covering over 35 percent of his body. Since the hospital was not equipped to handle pediatric burn patients, Trevor was transported to Community Regional Medical Center in Fresno for further treatment.

Father told police when interviewed at the scene that he had been roommates with Trevor's mother, Jazmine W., for about four months, and their relationship was platonic. Jazmine left for work around 8 a.m. that morning, leaving Trevor in his care, as she typically did four to five days a week. According to father, Trevor had a habit of removing his diaper when he soiled himself. That morning, father saw Trevor had defecated and taken off his diaper. Father decided to bathe Trevor in the upstairs bathroom. Father claimed that it took him five minutes to bathe Trevor; the water temperature was warm when he placed Trevor in the bath and remained consistent throughout that time; and he noticed Trevor's burns after he briefly left Trevor unattended in the bathtub while he went to retrieve a towel. Father also claimed that no one else was inside the apartment when the incident occurred.

Father was transported to the police station, where two police detectives interviewed him after advising him of his *Miranda*⁴ rights. Father at first told the detectives he lived at the apartment with his children, Jazmine and her son, Trevor, and he had not seen mother in over a month, as she had returned to Washington. Father said his son was with a neighbor and his daughter with a friend for whom he would not or could not provide contact information. Jazmine, however, told the detectives that mother had lived with them at the apartment since they all moved in there, and she knew mother was “wanted.” When father was confronted with this information, he eventually said he was going to tell the detectives what really happened, and admitted that mother and the children were in the apartment with him when the incident occurred. Father said he lied about mother being in the apartment because he knew she was wanted and did not want her to get into trouble.

Father told the detectives that he was playing video games when mother told him Trevor had soiled his diaper and gotten it all over himself. Mother took Trevor to the bathroom and started the bath water. Father walked into the bathroom and was startled by the steam coming off the water. Father thought the water was too hot, so he checked it himself, but after touching it he determined it was not too hot and left the bathroom to clean the mess Trevor had made. After removing the sheets and taking the dirty diaper downstairs, father came back up and re-entered the bathroom as mother was removing Trevor from the tub; father noticed Trevor’s feet were pink and his skin peeling. They both started to “freak out”; mother took the children and fled the area. The detective questioned father about his statement that he could see the steam from the water, but father said it was not too hot. According to the detective, father could not provide a satisfactory explanation for Trevor’s injuries.

⁴ *Miranda v. Arizona* (1966) 384 U.S. 436 (*Miranda*).

During father's interview, mother came to the police station to turn herself in. The detectives interviewed mother after advising her of her *Miranda* rights. Mother confirmed she, father and their two children had lived with Jazmine since May, and she and father babysat Trevor on a regular basis. Mother said that after Trevor soiled his diaper and made a mess on the bed, she carried Trevor into the bathroom and turned on the water in the tub. The shower nozzle was leaky and a small stream of water was coming from it. Mother checked the water temperature; it was not hot. She sat Trevor in the tub and left him unattended with the water running while she and father began cleaning up the mess. While she removed the sheet from the bed, father took the diaper downstairs. A short time later she heard Trevor screaming from the bathroom. She and father got to the bathroom at nearly the same time. Trevor was now standing in the tub, holding onto the side while facing the toilet. Mother immediately picked him up and saw his legs were burned. Mother checked the water temperature and felt it was "really hot." Shortly afterward, mother left the area with the children because she knew she had a warrant for her arrest.

The detectives then spoke with father, who confirmed that mother's story was accurate. Father, however, maintained that he checked the water temperature before leaving Trevor by himself and it was not hot; he did not check the temperature after going back into the bathroom. Father was adamant that he did not hear Trevor scream when they were out of the bathroom.

Meanwhile, family members had transported the children to the police station, where they were released to the custody of a Department caseworker, who placed them into protective custody. Mother and father were arrested for violations of Penal Code section 273a, subdivision (a) (child endangerment likely to cause great bodily injury) and Penal Code section 273d, subdivision (a) (child abuse causing great bodily injury); they were transported and booked into the Kern County jail. An additional felony warrant out of Tulare County was added to mother's booking charges.

Later, investigating officers went to the apartment and tested the water temperature from the tub faucet. The temperature of the hot water reached 144 degrees after running a minute and 12 seconds. The water heater for the apartment, which was in the garage, had the following settings: “low, hot, A, B, C, Very hot.” The water heater was set between B and C.

On August 11, the detectives interviewed Trevor’s treating physician in Fresno, Dr. John Scholefield. Trevor had undergone skin graft surgery on August 10. Dr. Scholefield advised the detectives that Trevor’s burns were consistent with “submersion.” According to Dr. Scholefield, a child would only have to be submerged in 140 degree water for one to two seconds to receive the burns Trevor suffered. A detective provided Dr. Scholefield with mother’s explanation of how Trevor was burned, i.e. leaving him unattended in the tub for one to three minutes; Dr. Scholefield opined this was not consistent with the burns on Trevor’s body and explained that even at one year of age, Trevor would have stood up and started crying as the water temperature increased. Trevor, however, would not have been able to stand up as mother described due to the severity of the burns on his feet, and would have had more severe burns higher up on his legs, crotch area, and back had he been left unattended in the water for a long period of time. Dr. Scholefield further explained that if Trevor were set into water that had already reached 140 degrees and left unattended, he mostly likely would have burns on his hands from attempting to push himself up, which he did not. It appeared to Dr. Scholefield that Trevor was set into the water while still being held and quickly pulled back out.

That same day, the detectives re-interviewed mother and father, explaining to them in separate interviews that according to Dr. Scholefield, Trevor’s burns could not have occurred in the way they explained. Neither parent provided any new information or explanation on how the burns occurred.

The social worker interviewed mother and father separately on August 12. Mother told the social worker that after Trevor had “pooped” all over, she took him to the

bathroom in Jazmine's bedroom and began to run the water. The knobs were broken, so water ran out of both the bathtub faucet and showerhead. Mother put Trevor in the tub standing up and left for two to three minutes to clean up the bed. She heard crying from the bathroom, went in, and saw Trevor standing up in the bathtub. The water covered Trevor's feet and rose to his mid-calf. She felt the water coming from the showerhead and noticed Trevor's back was white. Knowing something was wrong, she called to father, took Trevor out of the bathtub and wrapped him in a towel. Mother had never heard Trevor cry like that before. While father waited with Trevor, mother went to her sister's neighboring apartment, as there was no telephone in mother's apartment; mother's sister called 911. Mother stayed at her sister's apartment because she knew she had a warrant from Tulare County for fighting when she was a juvenile and did not want to be arrested. She sent the children with relatives because she knew they would be taken into protective custody. Mother denied being mad at Trevor; she had cared for Trevor for a long time and had a bond with him. Mother described Trevor as a good baby who was not a problem.

Father told the social worker that after mother discovered Trevor had "pooped all over," he went to the bedroom, put the sheets on the balcony, and took the diaper downstairs to throw it away while mother took Trevor to the bathroom. When he came back upstairs, mother was sitting on the toilet next to Trevor, who was not yet in the bathtub, feeling the water. Father left the bathroom; when he returned, he saw mother place Trevor in the bathtub, which had a little bit of water in it. Father again left the bathroom; at that time, Trevor was standing in the bathtub. A short time later, mother called father to the bathroom; Trevor was wrapped in a towel and father could see his feet. Father stayed with Trevor in the hallway while mother went to her sister's. Trevor only started crying when the paramedics arrived. Father never saw Trevor sitting in the bathtub. Father described Trevor as a good child and denied that anyone was mad at him. Father said that mother was not mad at Trevor, but just thought the mess was nasty.

On August 25, mother and father each pled nolo contendere to a single misdemeanor count of willful cruelty to a child, Penal Code section 273a, subdivision (a), and were sentenced to a year in jail. A review of the Criminal Justice Informational System for mother and father revealed only this conviction. There were no prior child protective services referrals or cases for the family.

The social worker reported that the parents had no reasonable explanation as to how Trevor suffered such severe burns and asked the juvenile court to sustain the petition's allegations.

At the September 23 jurisdictional hearing, the parents submitted on the social worker's report. Father's and mother's attorneys both asked the juvenile court to dismiss the allegation under section 300, subdivision (a), arguing the record showed that, while the situation was serious, it was an accident involving the negligence of both parents. Father's attorney read from a letter father wrote in which he acknowledged being negligent, expressed remorse, and resolved to learn from the experience to ensure it never happened again. The children's attorney argued there was prima facie evidence to find true the subdivision (a) count, as the parents were more focused on cleaning up the room than attending to Trevor. County counsel argued that the parents' varying stories were evidence of their guilt, and based on those stories, along with Dr. Scholefield's opinions, it was fair to say the parents did not provide a reasonable explanation for how Trevor sustained his injuries. County counsel further argued that considering this in light of the parents' criminal conviction, the subdivision (a) allegation should be sustained.

The juvenile court proposed to amend the petition from a subdivision (a) allegation to a subdivision (b) allegation, as it thought there was "appropriate evidence" for a finding under subdivision (b). Mother's and father's attorney submitted on the juvenile court's tentative, with father's attorney adding that he thought the evidence supported an accidental injury, namely placing the child in a bathtub without checking the water. The children's attorney argued it was not accidental and the subdivision (b)

count was not appropriate because the parents left Trevor in the bathtub unattended. County counsel argued that based on Dr. Scholefield's opinion, the medical evidence was that there was a one to two second immersion in 140 degree water, and the parents never said this was what they did. Instead, the parents made misrepresentations, which showed they were guilty of an intentional act.

The juvenile court explained that in its view, Dr. Scholefield's expert opinion was a description or recitation of negligence, and that differing stories happen on a fairly regular basis. The juvenile court believed the evidence showed that Trevor soiled himself substantially and the parents, in trying to take care of the situation, probably overreacted, but clearly did not take care of Trevor as they should have, which was negligent. The juvenile court, however, did not find any evidence of the intent required for a subdivision (a) finding. Accordingly, the juvenile court amended the petition to conform to proof by striking the term "non-accidental" under the subdivision (a) allegation and adding an allegation under subdivision (b). The juvenile court found the children were persons described by section 300, subdivisions (b) and (g). The juvenile court further explained that in making its ruling, it considered the parents' nolo contendere pleas to Penal Code section 273a, subdivision (a), and it believed section 300, subdivision (b) was consistent with the language found in that statute. A dispositional hearing was set for November 24.

In the social worker's report prepared for that hearing, dated November 18, the Department recommended the parents receive family reunification services, which would include completion of counseling for "Physical Abuse as a Perpetrator." Mother had been released from custody in October and was living with a relative. Father, however, remained incarcerated. Mother and father both had been cooperative with the Department. Since mother's release from custody, she had attended all regularly scheduled visits with the children, enrolled in counseling for "Physical Abuse as a Perpetrator[,] and been referred to a family reunification program. Father had received in-custody visits with the children and would be provided services upon his release. The

social worker explained that based on the information and severity of Trevor's injuries, there continued to be great risk to the children, and since the parents had been incarcerated, they were not able to address the issues that caused the children's removal or to ensure the children were safe from the same abuse Trevor suffered.

At the November 24 dispositional hearing, County counsel submitted on the social worker's report and recommendation. Mother's attorney asked the juvenile court to consider family maintenance services for mother, and allow father to join the home on his release from custody, as it was not remotely likely that the incident would recur since: mother was out of custody and he understood the father should be out "very, very shortly, maybe as soon as tomorrow or the day after"; the parents had not been involved in the criminal justice system before; the juvenile court found the parents were negligent; and the parents had been cooperative. Mother's attorney represented that mother had enrolled in and attended three sessions of the physical abuse as a perpetrator counseling. Mother's attorney also asked whether physical abuse as a perpetrator counseling was the appropriate order, and suggested instead "some type of failure to protect counseling."

Father's attorney agreed with mother's attorney and his comments, adding that the parents were willing to go to counseling. Father's attorney stated that father had attended three domestic violence classes while incarcerated, which was the only thing available to him that even remotely related to the physical abuse class the Department wanted him to take. Father had also taken a parenting class. Father's attorney hoped father would be released soon and made the same request for family maintenance upon his release.

The children's attorney asked the juvenile court to set aside its finding on the subdivision (a) allegation and argued for family reunification services for the parents, as there was a risk of injury since faulty judgment led to Trevor's injuries and the parents still had to complete parenting classes. County counsel argued that family reunification was appropriate due to the crime the parents pled nolo contendere to and because the

injuries were horrendous. County counsel joined in the children's attorney's request to reinstate the subdivision (a) allegation.

The juvenile court denied the request to reinstate the subdivision (a) allegation. The juvenile court found use of a family reunification plan was appropriate to ensure that the severe situation was addressed and remedied as to the parents' conduct. The juvenile court also found the need for further education or training, and there was still a substantial danger to the physical health, safety, and protection of the children if they were returned home before the parents received that training. Based on the evidence as to the severity of the pleas and the circumstances of the accident, the juvenile court believed there was clear and convincing evidence of a substantial danger to the children if they were returned to their parents. The juvenile court declared the children dependents, found there were no reasonable means to protect the children's physical health without removal from the physical custody of their parents, the Department had made reasonable efforts and provided reasonable services to prevent or eliminate the need for the children's removal from the home, ordered the children removed from the parents' physical custody, ordered family reunification services for the parents, and adopted the family reunification plan.

The juvenile court stated it was ordering the parents to participate in counseling for physical abuse as a perpetrator, and then asked why parenting classes were not being ordered. Mother's attorney responded that he initially argued that failure to protect would be the most appropriate counseling, such as some type of negligence or parenting class, if the court was going to go along with something other than physical abuse as a perpetrator, which seemed inconsistent with the jurisdictional findings. The juvenile court stated it felt parenting classes normally were necessary in dependency cases and ordered them. Mother's attorney then asked, "just to make it clear," whether the court also was ordering abuse as a perpetrator counseling. The juvenile court consulted the outline of program content and asked if the perpetrator program had a parenting

component. The social worker responded that he understood the physical abuse program, which was a six month class, dealt only with physical abuse, although it had an anger management component, but he was not sure how much it focused on parenting and neglect. After confirming that mother was enrolled in physical abuse as a perpetrator, the juvenile court left it at that, noting she was already going; told father's attorney that his client was "prepared to go forward there"; and stated it was not going to order parenting classes. The juvenile court ordered supervised visits twice weekly for two hours, and gave the Department discretion to increase visits, and move to unsupervised visitation.

DISCUSSION

The Removal Order

Father challenges the order removing the children from his physical custody. He contends the order must be reversed because (1) there was insufficient evidence to support continued removal of the children from parental custody, (2) the juvenile court failed to consider less drastic alternatives to removal, and (3) the Department failed to include in its reports a discussion of the reasonable efforts made to prevent or eliminate removal and the juvenile court failed to state facts on which its decision to remove the children was based.

In order to remove a child from parental custody, the juvenile court must find by clear and convincing evidence, as relevant here, that "[t]here is or would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the minor if the minor were returned home, and there are no reasonable means by which the minor's physical health can be protected without removing the minor from the minor's parent's ... physical custody." (§ 361, subd. (c)(1).) Although the juvenile court's findings must be based on clear and convincing evidence, we review an order removing a child from parental custody for substantial evidence. (*In re J.K.* (2009) 174 Cal.App.4th 1426, 1433.) Father bears the burden of showing there is no evidence of

a sufficiently substantial nature to support the removal order. (*In re L.Y.L.* (2002) 101 Cal.App.4th 942, 947.)

Having reviewed the record, we conclude substantial evidence supports the juvenile court's removal order. Since father was incarcerated at the time of the dispositional hearing and it was not clear when he would be released, the juvenile court could not return the children to him. This left the option of returning the children to mother. Mother, however, had only been out of jail for approximately one month and had just started to participate in reunification services. While father maintains what happened to Trevor was an accident and an isolated incident that was unlikely to recur, the evidence showed that both mother and father lacked the ability to make appropriate decisions to protect the children from future harm, as, by their admission, they left Trevor in the bathtub unattended with the water running while trying to clean up the room, and later tried to cover up what occurred. Given mother's and father's poor decisions, and the severity of Trevor's injuries, the juvenile court reasonably could conclude, as it did, that the parents needed to benefit from services before the children could be returned safely to their custody.

Father contends this case is similar to *In re Henry V.* (2004) 119 Cal.App.4th 522 (*Henry V.*). There, a four-year-old child was removed from his mother's custody after he was found to have three linear first and second degree burn marks on his buttocks. (*Id.* at pp. 525-526.) The appellate court reversed the dispositional findings after concluding the juvenile court did not understand its removal order had to be supported by clear and convincing evidence and there was insufficient evidence to support the order. (*Id.* at pp. 529-530.) Here, by contrast, the appellate record reflects the juvenile court made its dispositional findings by clear and convincing evidence and, as we discussed above, substantial evidence supports the juvenile court's decision to remove the children.

Father next contends the juvenile court failed to consider alternatives to removal and the evidence does not support the juvenile court's perfunctory finding that there were

no alternatives. He asserts the Department failed to include a discussion of the reasonable efforts made to prevent or eliminate removal in its reports, as required by California Rules of Court, rule 5.690(a)(1)(B)(i), and had the juvenile court inquired into the basis for the Department's claim that there were no reasonable means to protect the children without removal, it would have found the claim without evidentiary support. Finally, he asserts the juvenile court failed to state the facts supporting removal, as required by section 361, subdivision (d).

Father's argument fails because the social worker *did* discuss the efforts made to prevent or eliminate removal in the disposition report, and the juvenile court *did* consider alternatives to removal and state on the record the facts supporting removal. In the report prepared for the dispositional hearing, the social worker explained that the Department was recommending family reunification services because mother and father were convicted of charges of child abuse and sentenced to a year in jail, mother was released in October but father remained incarcerated, there continued to be great risk to the children based on the facts and the severity of the injuries to Trevor, and due to the parents' incarcerations, they had not been able to address the issues that caused the children's removal nor to ensure the children were safe from the same abuse as Trevor suffered. Thus, the disposition report supports the conclusion that reasonable efforts to prevent the children's removal were considered ineffective in light of the severity of Trevor's injuries, father's continued incarceration, the parents' need of services, and their inability to avail themselves of services during their incarcerations.

The juvenile court also considered alternatives to removal and stated the facts supporting removal. Both mother's and father's attorneys expressly asked the juvenile court to return the children to mother on family maintenance. The juvenile court specifically asked the children's attorney whether it was in the children's best interest to "go into a family maintenance plan or a family reunification plan?" It also read into the record a portion of a legal treatise that listed the alternatives available to the court at a

disposition hearing and noted the findings required for removal, including that the Department must prove by clear and convincing evidence that there are no reasonable means by which the child can be protected without removal. It found family reunification to be the appropriate course to ensure that “this severe situation is addressed and remedied as to the conduct of the parents.” It further explained that its finding that there was a substantial danger if the children were returned to the parents was based on the evidence regarding the severity of the pleas and the accident itself. Thus, the juvenile court considered returning the children to mother on family maintenance as an alternative to removal and stated the basis for its removal order.

Father asserts he and mother present no danger to the children because they expressed remorse and were willing to participate in services to ensure such an incident did not occur in the future. We commend the parents for taking responsibility for their actions and for their cooperation with the Department, but we conclude substantial evidence supports the juvenile court’s finding that the children would be at substantial risk of harm if returned to their parents’ custody and there were no reasonable means by which they could be protected without removal. (§ 361, subd. (c)(1); *In re R.V.* (2012) 208 Cal.App.4th 837, 849; *In re A.S.* (2011) 202 Cal.App.4th 237, 248.)

The Case Plan

Father contends the order requiring him to complete the physical abuse as a perpetrator counseling was an abuse of discretion.

“At the dispositional hearing, the juvenile court must order child welfare services for the minor and the minor’s parents to facilitate reunification of the family. [Citations.] The court has broad discretion to determine what would best serve and protect the child’s interest and to fashion a dispositional order in accord with this discretion. [Citations.] We cannot reverse the court’s determination in this regard absent a clear abuse of discretion. [Citation.] [¶] The reunification plan “‘must be appropriate for each family and be based on the unique facts relating to that family.’” [Citation.] Section 362,

subdivision (c) states in pertinent part: ‘The program in which a parent or guardian is required to participate shall be designed to eliminate those conditions that led to the court’s finding that the minor is a person described by Section 300.’ [Citation.] The department must offer services designed to remedy the problems leading to the loss of custody.” (*In re Christopher H.* (1996) 50 Cal.App.4th 1001, 1006–1007.) Where substantial evidence supports the order, there is no abuse of discretion. (*In re Daniel C.H.* (1990) 220 Cal.App.3d 814, 839.)

Here, the juvenile court could have ordered therapy or a parenting class, but it did not. In an exercise of its discretion, the juvenile court ordered counseling called “Physical Abuse as a Perpetrator.” The record does not show precisely what is covered by this counseling, only that it lasts six months, deals with physical abuse, and has an anger management component. On appeal, father essentially argues this counseling is designed only for someone who intentionally harms a child and therefore the juvenile court had no basis to order it for him since the juvenile court found he did not intentionally harm Trevor. Father, however, fails to show that this counseling does not address negligent or grossly negligent harm. Neither does he show that he was not a perpetrator by definition; arguably he was because he was involved in the incident that caused Trevor’s injuries and he pled *nolo contendere* to the crime of willful harm or injury to a child, Penal Code section 273a, subdivision (a). Accordingly, father has not demonstrated that the juvenile court abused its discretion in ordering physical abuse as a perpetrator counseling to address the issues that brought the children under dependency jurisdiction, namely the physical harm inflicted on Trevor through father’s and mother’s negligence.⁵

⁵ For this reason, father’s reliance on *In re Drake M.* (2012) 211 Cal.App.4th 754, is misplaced. There, the appellate court held the juvenile court abused its discretion in ordering the father, whose conduct did not support a finding of jurisdiction, to submit to random drug testing and participate in drug counseling and parenting classes because the order would not address the mother’s substance abuse and mental health issues, which

DISPOSITION

The juvenile court's dispositional orders are affirmed.

were the basis for the jurisdictional finding. (*Id.* at pp. 769-770.) In contrast here, father's conduct was the basis for jurisdiction and the physical abuse counseling was ordered to address father's participation in the harm that brought the children within the provisions of section 300, subdivision (b).